

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROMEO IXCOY PEREZ and ROMEO  
SONTAY, individually and on behalf of  
others similarly situated,

Plaintiffs,

-against-

MECHANICAL SERVICE CORP. OF NEW  
YORK (D/B/A MECHANICAL SERVICE  
CORP. OF NEW YORK), RALPH DEROSE,  
and DOMENICK DEROSE,

Defendants.

ANALISA TORRES, District Judge:

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21 Civ. 2467 (AT)

**ORDER**

On March 22, 2021, Plaintiffs filed a complaint in this action. ECF No. 1. Defendants failed to file an answer or otherwise respond to the complaint as required by Federal Rule of Civil Procedure 12. *See* ECF Nos. 13–15. On August 19, 2021, the Clerk of Court entered certificates of default against Defendants. ECF Nos. 24–26. On September 8, 2021, Plaintiffs moved for a default judgment. ECF Nos. 30–31.

The Court entered a default judgment against Defendants on April 15, 2022, ECF No. 52, and referred the case to Magistrate Judge Ona T. Wang for inquest following a default, ECF No. 53.

After first writing the Court in January 2023, *see* ECF Nos. 62–66, Defendant Domenick DeRose moved the Court to vacate the default judgment, ECF No. 68. On August 24, 2023, the Court held all motions as moot after being advised that the parties had reached a settlement agreement. ECF No. 84. Defendant Domenick DeRose now requests that that the Court vacate the default judgment, noting that “Plaintiffs consent to this request.” ECF No. 85.

Accordingly, by **September 15, 2023**, the parties are directed to file a stipulation to vacate the default judgment.

SO ORDERED.

Dated: September 8, 2023  
New York, New York

  
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ANALISA TORRES  
United States District Judge